

MA  
**FILED**

AUG 19 2011

8-19-11

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT, CHICAGO, IL.  
NORTHERN ILLINOIS, EASTERN DIVISION

Giovanni B. Ricchello as Attorney in Fact )  
SOEWARN BIN SOETWIJOYO )  
and Leong Geok Mooi, Beneficiary )  
Plaintiffs, )

vs.

**11cv5633**

**Judge Aspen**

**Mag. Judge Nolan**

UBS AG and its subsidiaries  
UBS Investment Bank, UBS Global  
Management Bank, UBS Global )  
Management and UBS-SA. )  
Defendants. )

**PETITION FOR AN ACCOUNTING**

Plaintiffs hereby allege as follows:

**I. Background**

Plaintiff's petitions: "for an accounting & verification": to have defendant(s) admit or deny under oath that specific banking transactions were performed by defendants' bank, which relied on precious metals owned by the Plaintiffs, and on deposit UBS bank in Switzerland, and Defendant bank refuses to give an accounting, nor even a verification that the assets are still at UBS, nor will they account for the interest earned thereon. With many breaches of their fiduciary duties by the bank and large sums moved or lent out in varying amounts over various time periods and often converted to U.S. Dollars or other currencies "without statements to Plaintiffs", an "Accounting is necessary" to protect the plaintiffs, determine the present locations and value of Plaintiff's assets and income earned thereupon, and to determine any balance due the Plaintiffs. Defendants are also fiduciaries for the bullion deposits, the bullion, and all assets and income therefrom. An Accounting, will also determine the dollar value of the assets, and amounts of earnings, thus determining the equitable rights and rightful property of the plaintiffs. Only "a full Accounting in Equity" can provide the needed "verification" of the whereabouts of the plaintiffs' precious metals and interest thereon, and as the Depository bank, UBS has a fiduciary obligation to account its activities relating to the deposits to its Clients, the plaintiffs, including purchases of and/ or the issuing of U.S. Dollar currency. A balance due can only be ascertained by an Accounting in Equity as the accounts are so complicated that an ordinary legal action demanding a fixed sum is impracticable. Only an Equitable Accounting by order of Court can make the plaintiffs whole

**II. The Amount in Controversy exceeds \$75,000.**

### III. Jurisdiction

- a. UBS daily transacts large dollar sums with the U.S. Federal Reserve and works with the Comptroller of the Currency, both have offices in Chicago, UBS is a member bank of both. 12 U.S.C.A. 3108.
- b. UBS has 6 offices in the E. District of Northern IL including 3 at 1 Wacker Drive in Chicago, IL and UBS has traded at the Chicago Board of Trade since the 1980's. UBS AG and its various subsidiaries are subject to the regulations of the Federal Reserve and the Comptroller of the Currency (COC), both of which have offices in Chicago as they also do at the Chicago Board of Trade. (with emphasis)
- c. Application of *Esses*, 101 F.3d 873, 875 (2nd Cir. 1996). The U.S. Court allowed the discovery in spite of the fact that the party making the application was already a party to two legal disputes in Hong Kong. He was still considered an "interested party."
- d. 12 U.S.C.A. 3108. All "foreign Country Banks" which have nationally registered branches or agencies must report to and are governed by the United States Comptroller of the Currency. (with emphasis)
- e. 12 U.S.C.A. 3108. All "foreign Country Banks" which have State branches of agencies are governed by the Federal Reserve" = "The Fed" and also the FDIC = Federal Deposit Insurance Corporation.
- f. UBS Banks are "Edge Act Banks" which brings them under the control and jurisdiction of this Court. 12 U.S.C.A. Sections 611-632.
- g. Foreign corporations with offices here are citizens of Illinois. 28 U.S.C.A. 1332(a) and "they have dual citizenship for purposes of jurisdiction." They are regulated by the State of Illinois and the U.S. Federal Reserve. (with emphasis)
- h. Most Banks and UBS AG use the SWIFT System for: Sending and receiving Inter-bank monetary transactions of all types. This includes the Federal Reserve, Comptroller of the Currency- COC and Over 9,000 financial institutions, including banks, securities institutions and corporate customers in more than 209 countries and territories use SWIFT each business day and many billions of dollars are sent every business day. Swift has 3 data centers, one is in the USA, through which billions of dollars of bank transactions flow through communications lines, switches and routers in the USA. Every day over 15 million messages/transactions are sent via SWIFT = The Society for Worldwide Interbank Financial Telecommunication.

#### IV. Venue

- a. 6 of Defendant USB AG's banks are located in this Court's District: 3 in Chicago, and 1 in: Barrington, Northbrook and Naperville. Proper venue is the U.S. District Court of Northern Illinois, Eastern Division, in Chicago, Illinois.
- b. David M. Goodson is the only counsel of the petitioner in the U.S. on the direct advise and request of the Attorney in Fact. UBS has a major Banking Facility in this Federal Court District, and the Plaintiff's deposits were specifically confirmed in U.S. Dollars, and the metals are specifically on deposit at UBS in Zurich, Switzerland with the approval of the U.S. Federal Reserve who has a Bank in Chicago, IL.
- c. The Federal Reserve is tasked with managing the money supply and therefore has both reporting and oversight on this process. The documents that are the subject of, and support this action, are both, denominated in U.S. Dollars, and show Federal Reserve identification. Clearly this is the province of the Federal Reserve and therefore the Federal Court System. Jurisdiction and venue are appropriate here in N.E. Illinois District Court.

#### V. Plaintiff Allegations of Facts

1. Plaintiffs hold title to master gold deposits at UBS AG in Switzerland, which were made available, under contract by Plaintiffs, for investment, under 12 USC § 412, with the knowledge and approval of the Federal Reserve. Said contract is hereby submitted as "Attachment "1", Titled "Family Heritage Key Master", and contains Code Mr. Soewarno, and Federal Reserve approval and code numbers.
2. Plaintiff's list of Safe Keeping Receipts (SKRs) were transmitted to and accepted by UBS, by Bank SWIFT. The original client copy thereof is submitted here as "Exhibit 2" and containing all the necessary code numbers, descriptions, issue dates.
3. Whereas the petitioner has only one set of the original bank documents, and whereby these documents are extremely valuable and sensitive to the petitioner, and whereas the Petitioner, Mr. Soewarno, is 88 years old and not in a position to safely travel with these documents in his possession, his Attorney-in-Fact, Mr. Ricchello attests before this court that any documents here presented, which are not original, are best available true copies of the originals in possession of Mr. Soewarno, and that any of these original documents can be transported to the court at the court's request, at any time where such transport can be safely undertaken under the direction and protection of this court.
4. Plaintiffs present themselves before this court by their sworn Attorney-in-Fact with General Power of Attorney: Giovanni Battista Ricchello, who has full authority to

represent the principal Owner, Honorable General Mr. Soewarno Bin Soetowijoyo, and to Manage and to Administrate these Bank Assets on behalf of the beneficiary owner, Mrs. Leong Geok Mooi, and said authority is also confirmed by Bank SWIFT from BNI (Indonesia) to UBS Bank (Switzerland). The term "SWIFT" stands for: "Society for Worldwide Interbank Financial Telecommunication" and is the premier international electronic communications system for transferring funds and verifying bullion or any transactions BETWEEN BANKS AND COUNTRIES e.g., the U.S. Federal Reserve and its member banks, and banks all over the world which are authorized to engage in U.S. Dollar denominated transactions. Further to this, SWIFT has 3 data centers, one in the USA, and handles inter-bank transmissions, transmitting over 3 million interbank messages per day. Bank Negara Indonesia (or Indonesian State's Bank in English), commonly known as BNI, is an Indonesian bank, with branches primarily in Indonesia, but also in Singapore, Hong Kong, Tokyo, London and New York. UBS and BNI are both members of the SWIFT system.

5. Petitioner presents the best available true copy of the original contract for the use of the deposit, submitted here as "Attachment 3." Petitioner further submits as "Exhibit 4," true and verifiable copies of SWIFT transmissions made from UBS to HSBC and Hypo Alpen-Adria Bank, and those respective banks' confirmations of same. These SWIFT confirmations were made in "U.S. Dollar amounts", and were so accepted by the receiving banks, while the Dollar amount transmitted was based on "assets held by UBS" which the Petitioners herewith submits were his precious metals, for which the Safe Keeping Receipts FROM UBS AG are listed, enumerated and evidenced in the SWIFT transmission from BNI to UBS ("Attachment 2.")

6. UBS AG is the overall holding corporation for the many divisions worldwide of UBS AG headquartered in Switzerland has 6 locations in Northeast Illinois, Three at 1 N. Wacker Drive Chicago and 3 in the suburbs & in Barrington, Northbrook & Naperville.

7. On two specific occasions, UBS was been directly requested by the petitioner to verify the current physical location of his deposits, the current account status, and to provide an accounting of the use of these deposits under its deposit agreement(s) with the Plaintiff, and UBS has failed to even acknowledge the Plaintiff's formal request and has further ignored the formal demand of its client, the petitioner, for UBS to issue a formal and lawful response to his request, or to even acknowledge the petitioner's deposit(s). Original executed copies of these requests are herewith submitted as "Attachment 5." The Plaintiff's formal requests and their transmissions to UBS are evidenced in "Exhibit 2", and further evidenced in "Attachment 6", which is the written request from Petitioner's Attorney in Switzerland, to UBS, to respond to Petitioner's request. Copies of the delivery receipts for the communications from Plaintiffs to the bank are attached. All the communications to UBS were copied to the Swiss authorities in Berne, and Lausanne.

8. The letter, "Exhibit 6," from Plaintiff's Attorney, Tino Inselmini, was written on his letterhead in Italian, one of the four official languages in Switzerland, and states the following points:

- a. The date of the first notification to Defendants from Mr. Inselmini, was June 16, 2010.
- b. The letter is addressed to the president of the bank.
- c. Mr. Inselmini received a phone call response came from a person named Giorgio Riva, who stated on his personal representation, that UBS has not responded because the papers are false.
- d. Mr. Riva never stated his position, or what relationship he has to UBS, if any.
- e. Mr. Inselmini again asks that if the documents are claimed to be false, that UBS should state such in writing.
- f. He states that such a phone call can in no way be accepted or construed to be a response from UBS.
- g. Mr. Inselmini also states in the letter that if there were any mistakes in any documents, such that they may be false, such errors had to be made by UBS. Inselmini notifies UBS that Inselmini and Ricchello have notified the proper Swiss authorities, and invited them to investigate the matter.
- h. Mr. Inselmini affirms that he neither he nor his clients have ever received any written response from the bank, or anyone at UBS.
- i. Mr. Inselmini points out that the contract for the use of the assets expired in 2007, and that his client is not asking to remove or transfer his assets to another institution, but asks to come to an amicable agreement that could properly structure the use of the assets for the coming 50 years.
- j. Mr. Inselmini demanded, again, to receive a formal response, in order that his clients and the bank may achieve this goal, and that if there is no formal response, proper legal action will have to be taken to protect his client's assets and interests.

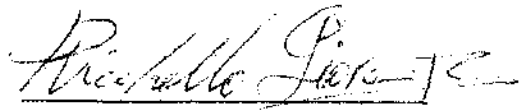
Mr. Inselmini received absolutely no response from UBS to this letter.

**Wherefore, the Plaintiffs pray that this Court order the Plaintiffs to provide the following to Attorney for Plaintiffs:**

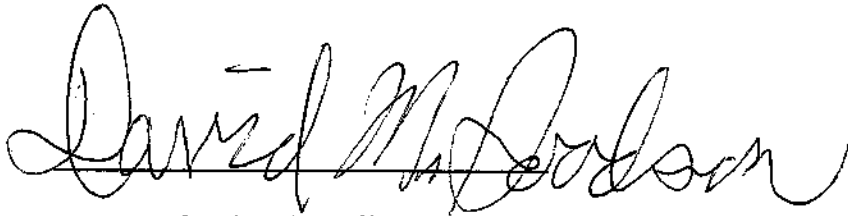
- A. That this Court order that the Defendant(s) provide "an Accounting" for the whereabouts of the precious metals that were placed in Defendants vaults for "safekeeping and for investment" in Switzerland, or any other location of safekeeping under the control of Defendant(s) and select a licensed and bonded Accounting firm and other professionals do the Accounting Firm with leave to hire other professionals, clerical staff and investigators not affiliated with the Defendants, with all costs of all kinds to be paid by the Defendants. The acts and inactions/&silence of the Defendants have been a great economic hardship upon Plaintiffs.

- B. That each Safe Keeping Receipt, commonly abbreviated as an SKR, which is listed in Attachment 2 is to be verified, meaning to state on record that these SKRs and every item, word, amount and code is accurate, and corresponds to the client, or not, and if not what is incorrect.
- C. Defendants be ordered to divulge and provide where the precious metals from these SKR's are located; and if any of these deposited metals were sold or moved, to whom, where, and when; and if sold, what weight of bullion and value amounts in U.S. Dollars, or other currencies and at what time; or if blocked for the issuance of Bank Guarantees or Government issued Guarantees, Notes, or Debentures, the value and date of issue of such instruments.
- D. Disclose any and all contracts, SWIFT or other Bank Communications which reference the assets of the plaintiff as an underlying asset, such as is evidenced in the Swift Document Communications with HSBC.
- E. That Defendants confirm or deny, under oath, that the SWIFT Communications in Attachments 2 and 4 are authentic.
- F. That the Defendants verify in writing and under oath by an officer and a member of the Board of Directors of UBS AG and/or any subsidiary corporation and entity of UBS pertinent to this matter, the receipt of precious metals originally received by UBS and/or its predecessors, which are rightfully the property of the Plaintiff(s), or were accepted by their bank, whereby Plaintiff(s) were and are legal owners and/ or trustees of the assets named herein. Defendants as Trustees for the Plaintiffs, bear the fiduciary responsibility to report to the plaintiffs all matters concerning the present status of these assets.
- G. Order that the Defendants verify or deny the authenticity of the document shown herein as Plaintiff Attachment 1, under oath, to the Plaintiffs attorney, and Order all assets and documents related to movement, transfers of interests be disclosed.
- H. For such other and further relief as this Court deems equitable.

Plaintiffs, by their attorney in fact, Giovanni Battista Ricchello, state that the contents of this complaint submitted to this Court are true to the best of his knowledge. All claims submitted to this court are submitted under oath, and he submits a true copy of his Passport, for the court's verification of his good standing, as "Attachment 7", attached hereto.

A handwritten signature in cursive script, appearing to read "Ricchello Giovanni Battista".

Plaintiff's Attorney-in-Fact: Giovanni Battista Ricchello

A handwritten signature in cursive script, appearing to read "David M. Goodson".

Attorney for the Plaintiffs:

David M. Goodson

313 W. 4<sup>th</sup> Street - Hinsdale, IL. 60521 USA

Attorney No. 1010255

Tel: (630) 887-7778

**LIST OF ATTACHMENTS**

<u>Attachment ID's.</u>	<u>DESCRIPTION OF ATTACHMENTS</u>
-------------------------	-----------------------------------

Attachment 1	Family Heritage Key Master
--------------	----------------------------

Attachment 2	SWIFT from BNI
--------------	----------------

Attachment 3	Platinum Docs
--------------	---------------

Attachment 4	SWIFTs to other banks
--------------	-----------------------

Attachment 5	Lady Rose and Soewarno Petitions
--------------	----------------------------------








Attachment 6	Letter from Inslemmini
--------------	------------------------

Attachment 7	Ricchello Passport
--------------	--------------------



ATTACHMENT 1

## EXHIBIT "A"

 <b>UBS</b> <b>AKTIEN GESELLSCHAFT</b> Schweizerischer Bankverein		<b>Financial &amp; Securities</b> Paradeplatz, 4 CH-8001 Zurich, Switzerland Phone 41-44-234-1111 Fax 41-44-234-8111 telex UBSWCH22880	
<b>FAMILY HERITANCE KEY MASTER</b> <b>CODE TRANSACTION Mr.SOEWARNO.</b> (Trustee Holder Mrs.Leong Geok Mooi) Approved by Federal Reserve FDT-5436-BZ-BFT-62			
Federal Reserve Ref No Subject To Inter Banking Clearance Code USA Code Control Code Worl Master A/C Deposit Code Special Ref World Bank Association Code F.R.B.G Clearance Code Additional Code		: FED-FT-BEDPO-CH24864 : IMF CODE 242 : AA0910942/CDI 09082 : BLACK EAGLE 543/007/868 : LEGACY 2004/110404/1206 : ZA/KKW-ISZ-NO-92/002-006 : E PLURIBUS UNUM-USA-FED : 893/AK 1468-AK 14826 : MCSBA 102764847 Z : AAA-999/Rose/Phoenix-19 General : Peacock Dragon 753896911/NG/99393 : Black Pearl 543007-BG-NHT-786 266	
Gold Deposit Special Code Platinum Deposit Principle Owner Code Trustee Transaction Invest Acc Master Account CFG Ownership		: 64948572588-AU : D 3684364 CB 84752 RS : 648397 DK 542 INA 54445 : 742964 DF 642 INA 54445-M : 82.84.88.812.844.900 : 92.09.111.28.39	
 This letter is made and legalized by: UBS AG September 25, 2006 Chairman  Marco Suter DF. 95318574.F.442		Union Bank of Switzerland Aktiengesellschaft Schweizerischer Bankverein  Union Bank of Switzerland-AG Vice President  Rolf A. Meyer BPT.5764876784.F.2367575	
			

Verified to be true and correct copy of original document in my possession:

Giovanni B. Ricchello, Attorney in Fact for Mr. Soewarno\_\_\_\_\_

ATTACHMENT 2





----- INSTANCE TYPE AND TRANSMISSION -----  
 NOTIFICATION (TRANSMISSION) OF ORIGINAL SENT TO SWIFT (ACK)  
 NETWORK DELIVERY STATUS : NETWORK ACK  
 PRIORITY/ DELIVERY : NORMAL  
 MESSAGE INPUT REFERENCE : D945 091011BNINIDJAXXX420019261  
 MESSAGE OUTPUT REFERENCE : 0411 091111UBSWCHZH80A8B764

----- MESSAGE HEADER -----  
 SWIFT OUTPUT : FIN 199 FREE FORMAT MESSAGE  
 SENDER : BNINIDJA  
 PT. BANK BNI (PERSERO) TBK  
 MAIN BRANCH  
 JALAN JENDERAL SUDIRMAN KAV. 1  
 JAKARTA 10220 INDONESIA

RECEIVER : UBSW CH ZH 80A  
 UBS AG  
 URANIASTRASSE 31, PO BOX CH 8098  
 ZURICH

----- MESSAGE TEXT -----  
 20 : TRANSACTION REFERENCE NUMBER : LGM97B  
 21 : RELATED REFERENCE  
 EA-ADVICE STATUTORY DECLARATION BY SOEWARNO  
 ADVICE STATUTORY DECLARATION BY LEONG GEOK MOOI  
 ADVICE DEED OF ASSIGNMENT  
 ATTENTION TO : MR. MARK HURER (PRESIDENT)  
 MR. BEAT MULLER (ASSOCIATE DIRECTOR)  
 (SECURITY RISK CONTROL DEPT)  
 79 : NARRATIVE

SIR,

AS PER OUR CLIENT'S IRREVOCABLE INSTRUCTION. WE, PT BANK BNI (PERSERO) TBK,  
 HEREIN FORWARD TO YOU  
 THEIR STATUTORY DECLARATIONS, AS FOLLOWS :/

QUOTE : STATUTORY DECLARATION BY MR. SOEWARNO

I, MR SOEWARNO, HEREBY SOLEMNLY SINCERELY AND TRULY DECLARE THAT :

1. I AM THE ASSIGNOR IN THE DEED OF ASSIGNMENT MADE ON 12<sup>TH</sup> OCTOBER, 2005 ASSIGNING UNTO MDM. LEONG GEOK MOOI THE FULL ADMINISTRATION OF THE VALUABLE ASSETS WHICH I HAVE DEPOSITED IN MY PERSONAL NAMED AND RESPONSIBILITY IN UNION BANK OF SWITZERLAND A.G., IN GOLD BULLION LISTED IN THE SAID DEED OF ASSIGNMENT, A TRUE COPY OF WHICH IS AN NEXED HERETO.
2. I MADE THE SAID DEED OF ASSIGNMENT AT ZURICH-SWITZERLAND IN UNION BANK OF SWITZERLAND AG.
3. I VERILY BELIEVE THAT THE SAID DEED OF ASSIGNMENT IS STILL IN SWITZERLAND ZURICH AND IN THE SAFE CUSTODY OF THE UBS OR THE FEDERAL RESERVE AUTHORITY.
4. I CONFIRM THAT THE POWER OF ATTORNEY AND ATTACHMENT, GIVEN BY MDM. LEONG GEOK MOOI IN FAVOUR OF MR. DEMETRIUS J. SHIVA AND MR. GIOVANNI B. RICCHELLO, DEPOSITED AND REGISTERED IN THE UNITED STATES FEDERAL COURT ARE TRUE AND REAL.
5. FURTHER, I DECLARE AND CONFIRM THAT THIS DECLARATION IS ISSUED WITHOUT SOLICITATION FROM ANY THIRD PARTY, AND WITH THE ADVISE AND ASSISTANCE OF MY PERSONAL LAWYER, MOHAMMAD JOKO SANTOSA OF KOMPLEKS POLRI GOWOK C-5/150 CATUR TUNGGAL, DEPOK, SLEMAN 55281 JOGJAKARTA, INDONESIA

BY :  
 MR. SOEWARNO

DECLARED BY THE DECLARANT AT THE OFFICE OF : YOGYAKARTA & SLEMAN, YOGYAKARTA,  
 INDONESIA )  
 THIS 9<sup>TH</sup> DAY OF NOVEMBER 2009,

BEFORE ME,



I, MOHAMMAD JOKO SANTOSA, ATTEST AS LEGAL COUNCIL FOR MR. SOEWARNO THAT THIS IS A TRUE AND ACCURATE STATEMENT AND IS HEREIN SIGNED BY MR. SOEWARNO IN MY PRESENCE.

NO : 140/LEG/XI/2009

BY :

NY. ETTY RATNAWATI GUNODO, SH. PUBLIC NOTARY AT SLEMAN, YOGYAKARTA, INDONESIA.

NOTARIZED ON THIS 9<sup>TH</sup> DAY OF NOVEMBER 2009.

QUOTE : STATUTORY DECLARATION BY MDM. LEONG GEOK MOOI

I, MDM. LEONG GEOK MOOI, HEREBY SOLEMNLY SINCERELY AND TRULY DECLARE THAT :-

I DECLARE WITH FULL PERSONAL RESPONSIBILITY THAT I HAVE SIGNED AND ACCEPTED FULL RESPONSIBILITY TO ADMINISTER THE VALUABLE ASSETS LISTED IN THE DEED OF ASSIGNMENT DATED 12<sup>TH</sup> OCTOBER 2005 HERETO ANNEXED. I ACCEPTED AND SIGNED WITH FULL RESPONSIBILITY THIS DEED OF ASSIGNMENT, GIVEN TO ME BY MR. SOEWARNO IN THE OFFICE OF MOHAMMAD JOKO SANTOSA, THE PERSONAL ATTORNEY OF MR. SOEWARNO, IN YOGYAKARTA, INDONESIA.

BY :

LEONG GEOK MOOI

DECLARED BY THE DECLARANT AT THE OFFICE OF : YOGYAKARTA ( SLEMAN, YOGYAKARTA, INDONESIA )

THIS 9<sup>TH</sup> NOVEMBER, 2009

BEFORE ME,

NY. ETTY RATNAWATI GUNODO, SH. PUBLIC NOTARY AT SLEMAN, YOGYAKARTA, INDONESIA.

NOTARIZED ON THIS 9<sup>TH</sup> DAY OF NOVEMBER 2009

NO. 141/LEG/XI/2009

QUOTE : DEED OF ASSIGNMENT

DEED OF ASSIGNMENT  
74268 UN 152849 DL

ON THIS DAY WEDNESDAY, DATED 12<sup>TH</sup> OCTOBER, 2005, THE NAME WILL MENTION ON THE END OF THIS DEED OF ASSIGNMENT:

1. MR. SOEWARNO, HOLDER INDONESIA PASSPORT NO. A388674, ADDRESS: PUNUNG, PACITAN, JAWA TIMUR. AND NOW DOMICILE IN JALAN BATU MERAH 1/44-A RT 002 RW D2 PEJATEN TIMUR, JAKARTA SELATAN - INDONESIA. HEREINAFTER REFER ON AS FIRST PARTY (GRANTOR)
2. MRS. LEONG GEOK MOOI, HOLDER MALAYSIA PASSPORT NO. A 10648321, NO. IDENTITY 550712086620, ADDRESS NO.15, JALAN DATO CHAN SWEE HO, IPOH GARDEN, 31400 - IPOH, PERAK - MALAYSIA. HEREINAFTER REFER ON AS SECOND PARTY (GRANTEE)

IN COMPLIANCE WITH A GOOD AND VALUABLE CONSIDERATION, IRREVOCABLE, WITHOUT REDUCING PERMITS OF THE COMPETENT AUTHORITY, IF RELATED PERMIT IS REQUIRED, I HEREBY MR. SOEWARNO AS GRANTOR (HOLDER OF AU METAL WHICH ARE NOW BEING IN CUSTODIAN DEPOSIT WITH THE UNION BANK OF SWITZERLAND ZURICH WITH IDENTIC CODE INDONESIA 78-B-209870271, SPECIAL CODE, ST.098 DL 898, NUMBER 2107011.27.CH.207, NEW HOLDER CD 65630054/OWNERSHIP-CP-BANK 643004 UBS) HAVE GRANTED TO THE APPEAR, SECOND PARTY (GRANTEE), WHO HEREBY EXPLAINS TO HAVE ACCEPTED THE ASSIGNMENT FROM THE APPEAR, FIRST PARTY (GRANTOR):



1. A NUMBER OF GOLD BULLION (AU) WITH THE TOTAL MEASURING OF 21,985,000 KGS (TWENTY ONE MILLION NINE HUNDRED AND EIGHTY FIVE THOUSAND KILOGRAMS) WHICH ARE NOW BEING IN CUSTODIAN DEPOSIT WITH THE UNION BANK OF SWITZERLAND, ZURICH, WITH DETAILS AS FOLLOWS:
  - A. UBS CERTIFICATE OF GUARANTEE NUMBER : DS 378092 CR 32780827 ASF COVERING 3,120,000 KGS (THREE MILLION ONE HUNDRED AND TWENTY THOUSAND KILOGRAMS).
  - B. UBS CERTIFICATE OF GUARANTEE NUMBER : MSL 38278612 CM 278609 COVERING 2,950,000 KGS (TWO MILLION NINE HUNDRED AND FIFTY THOUSAND KILOGRAMS).
  - C. UBS CERTIFICATE OF GUARANTEE NUMBER : MDS 93700982 RM 48 COVERING 2,892,000 KGS (TWO MILLION EIGHT HUNDRED AND NINETY TWO THOUSAND KILOGRAMS).
  - D. UBS CERTIFICATE OF GUARANTEE NUMBER : FS 278609827 A 809 COVERING 2,010,000 KGS (TWO MILLION TEN THOUSAND KILOGRAMS).
  - E. UBS CERTIFICATE OF GUARANTEE NUMBER : BS 9278698 LN 27486098 COVERING 1,800,000 KGS (ONE MILLION EIGHT HUNDRED THOUSAND KILOGRAMS).
  - F. UBS CERTIFICATE OF GUARANTEE NUMBER : NS 9278609 A 83787 COVERING 1,435,000 KGS (ONE MILLION FOUR HUNDRED AND THIRTY FIVE THOUSAND KILOGRAMS).
  - G. UBS CERTIFICATE OF GUARANTEE NUMBER : BS 4827809 B 9827000982 COVERING 935,000 KGS (NINE HUNDRED AND THIRTY FIVE THOUSAND KILOGRAMS).
  - H. UBS CERTIFICATE OF GUARANTEE NUMBER : RLIS 927860098 BS 8278 COVERING 1,475,000 KGS (ONE MILLION FOUR HUNDRED AND SEVENTY-FIVE THOUSAND KILOGRAMS).
  - I. UBS CERTIFICATE OF GUARANTEE NUMBER : BS 827 A 8098709878 COVERING 875,000 KGS (EIGHT HUNDRED AND SEVENTY-FIVE THOUSAND KILOGRAMS).
  - J. UBS CERTIFICATE OF GUARANTEE NUMBER : 4809 BS 7862786 NST 28 COVERING 665,000 KGS (SIX HUNDRED AND SIXTY FIVE THOUSAND KILOGRAMS).
  - K. UBS CERTIFICATE OF GUARANTEE NUMBER : TSR 48776098 A 48609 COVERING 1,930,000 KGS (ONE MILLION NINE HUNDRED AND THIRTY THOUSAND).
  - L. UBS CERTIFICATE OF GUARANTEE NUMBER : DS 278609 CR 2786 COVERING 1,870,000 KGS (ONE MILLION EIGHT HUNDRED AND SEVENTY THOUSAND KILOGRAMS).
  - M. UBS CERTIFICATE OF GUARANTEE NUMBER : PN 7860927898 COVERING 1,730,000 KGS (ONE MILLION SEVEN HUNDRED AND THIRTY THOUSAND KILOGRAMS).
  - N. UBS CERTIFICATE OF GUARANTEE NUMBER : PS 2780987809 CM 278609 COVERING 2,450,000 KGS (TWO MILLION FOUR HUNDRED AND FIFTY THOUSAND KILOGRAMS).
  - O. UBS CERTIFICATE OF GUARANTEE NUMBER : PNS 327819 CM 8386098 COVERING 2,005,000 KGS (TWO MILLION FIVE THOUSAND KILOGRAMS).
  - P. UBS CERTIFICATE OF GUARANTEE NUMBER : RS 982780098 NS 98 COVERING 1,650,000 KGS (ONE MILLION SIX HUNDRED AND FIFTY THOUSAND KILOGRAMS).
  - Q. UBS CERTIFICATE OF GUARANTEE NUMBER : BSR 278609 A 482 COVERING 1,975,000 KGS (ONE MILLION NINE HUNDRED AND SEVENTY FIFTY THOUSAND KILOGRAMS).
  - R. UBS CERTIFICATE OF GUARANTEE NUMBER MSPS 27809 CM 8098278 COVERING 2,750,000 KGS (TWO MILLION SEVEN HUNDRED AND FIFTY THOUSAND KILOGRAMS).
  - S. UBS CERTIFICATE GUARANTEE NUMBER : PS 9827869 A4869278 COVERING 2,805,000 KGS (TWO MILLION EIGHT HUNDRED AND FIVE THOUSAND KILOGRAMS).
  - T. UBS CERTIFICATE OF GUARANTEE NUMBER : DS 9809827 CM 80980987 COVERING 2,665,000 KGS (TWO MILLION SIX HUNDRED SIXTY FIVE THOUSAND KILOGRAMS).
  - U. UBS CERTIFICATE OF GUARANTEE NUMBER : BS 2780982 A 8098337 CM COVERING 1,515,000 KGS (ONE MILLION FIVE HUNDRED AND FIFTEEN THOUSAND KILOGRAMS).

1. A NUMBER OF GOLD BULLION (AU) WITH TOTAL WEIGHT MEASURING OF 30,697,000 KGS (THIRTY MILLION SIX HUNDRED AND NINETY-SEVEN THOUSAND



KILOGRAMS) WHICH ARE NOW BEING IN CUSTODIAN DEPOSIT WITH THE UNION BANK OF SWITZERLAND, ZURICH, WITH DETAILS AS FOLLOWS:

- A. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 18 COVERING 18,000 KGS (EIGHTEEN THOUSAND KILOGRAMS).
- B. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 19 COVERING 19,000 KGS (NINETEEN THOUSAND KILOGRAMS).
- C. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 20 COVERING 45,000 KGS (FORTY FIVE THOUSAND KILOGRAMS).
- D. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 21 COVERING 178,000 KGS (ONE HUNDRED SEVENTY EIGHT THOUSAND KILOGRAMS).
- E. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 22 COVERING 1,945,000 KGS (ONE MILLION NINE HUNDRED AND FORTY FIVE THOUSAND KILOGRAMS).
- F. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 23 COVERING 19,450,000 KGS (NINETEEN MILLION FOUR HUNDRED AND FIFTY THOUSAND KILOGRAMS).
- G. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 24 COVERING 473,000 (FOUR HUNDRED AND SEVENTY THREE THOUSAND KILOGRAMS).
- H. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 25 COVERING 400,000 KGS (FOUR HUNDRED THOUSAND KILOGRAMS).
- I. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 26 COVERING 525,000 KGS (FIVE HUNDRED AND TWENTY FIVE THOUSAND KILOGRAMS).
- J. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 27 COVERING 626,000 KGS (SIX HUNDRED AND TWENTY-SIX THOUSAND KILOGRAMS).
- K. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 28 COVERING 230,000 KGS (TWO HUNDRED AND THIRTY THOUSAND KILOGRAMS).
- L. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 29 COVERING 937,000 KGS (NINE HUNDRED AND THIRTY SEVEN THOUSAND KILOGRAMS).
- M. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 30 COVERING 1,250,000 KGS (ONE MILLION TWO HUNDRED AND FIFTY THOUSAND KILOGRAMS).
- N. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 31 COVERING 2,751,000 KGS (TWO MILLION SEVEN HUNDRED AND FIFTY ONE THOUSAND KILOGRAMS).
- O. UBS CERTIFICATE OF GUARANTEE NUMBER : BC 32 COVERING 1,850,000 KGS (ONE MILLION EIGHT HUNDRED AND FIFTY THOUSAND KILOGRAMS).

FURTHER, THE APPEARERS EXPLAIN THAT THE GRANT OF GOLD BULLION HAS BEEN EXECUTED AND ACCEPTED ON THE TERMS AND CONDITIONS AS FOLLOWS:

#### ARTICLE 1

COMMENCING AS FROM THIS DAY THE GOLD BULLION SHALL BE OWNED AND PASSED BY THE SECOND PARTY, THEREFORE THE PROFIT OR LOSSES (RISK), TAXES AND OTHER CHARGES WITH REGARD TO SAID THE GOLD BULLION SHALL BE RIGHT AND RESPONSIBILITY BY SECOND PARTY.

#### ARTICLE 2

FIRST PARTY GUARANTEES TO THE SECOND PARTY:

- A. THE GOLD BULLION IS THE RIGHT OF AND OWNER BY FIRST PARTY HIMSELF AND HE SHALL BE FULLY ENTITLED TO GRANT OR OTHERWISE TRANSFER HIS RIGHT AND
- B. THAT THE GOLD BULLION IS NOT IMPOSED WITH ANY CONFISCATION OR INVOLVED AS SECURITY FOR ANY DEBT OR ENCUMBERED IN ANY WAY WHATSOEVER AND IS NOT BEING IN DISPUTE, THUS SECOND PARTY SHALL NOT BE SUITED OR CLAIMED BY ANY PERSON WHOMSOEVER CONCERNING THE GOLD BULLION.



ARTICLE 3

SECOND PARTY SHALL NOT CLAIM IN ANY FORM WHATEVER TO FIRST PARTY CONCERNING THE CONDITION OF THE ABOVE TRANSACTION, BOTH CONCERNING VISIBLE AND INVISIBLE FLAWS, AND THEY SHALL ACCEPTED IN THE CONDITION AS EVIDENT AT THE TIME THIS DEED IS SIGNED.

ARTICLE 4

FIRST PARTY HEREBY TRANSFERS AND OR ASSIGNS TO SECOND PARTY, HIS RIGHT TO USE, AND OR OTHERS RIGHT WHICH IS (MIGHT BE) OWNED BY FIRST PARTY OR MAY BE USED IN THE FUTURE TO BE OBTAINED BY HIM FROM THE COMPETENT AUTHORITY OVER THE GOLD BULLION.

ARTICLE 5

FIRST PARTY HEREBY GRANTS POWER TO SECOND PARTY WITH THE RIGHTS OF SUBSTITUTION. ALL THE ABOVE POWER ARE PERMANENT POWERS WHICH ARE IRREVOCABLE AND SHALL NOT EXPIRE DUE TO REASONS DETERMINED LAW IN PURSUANCE OF THE REGULATION AND SHALL BECOME IMPORTANT AND INSEPARABLE PART OF THE AGREEMENT PURSUANT TO THIS DEED, WHICH DEED SHALL NOT BE MADE WITHOUT THE ABOVE POWERS.

IN EXECUTING THE ABOVE POWERS, GRANTEE SHALL BE RELEASE FROM THEIR RESPONSIBILITY.

THE DEED OF ASSIGNMENT SHALL GOVERNED BY LAW OF ZURICH, SWITZERLAND.

IN WITNESS WHERE OF THE PARTIES HERETO HAVE SIGNED, AND DELIVERY THIS DOCUMENT ON THIS WEDNESDAY, 12<sup>TH</sup> OCTOBER 2005

GRANTOR  
MR. SOEWARNO

STATUTORY DECLARATION OF SEOWARNO, LEONG GEOK MOOI, DEED OF ASSIGNMENT, REFER TO THE ORIGINAL NOTARIZED COPIES BY PUBLIC NOTARY NY. ETTY RATNAWATI GUNODO, SH. ADDRESS AT JALAN MONUMEN JOGJA KEMBALI 97, SLEMAN 55284, DI. JOGYAKARTA INDONESIA.

UNQUOTE

PT BANK BNI  
HEAD OFFICE  
JAKARTA MAIN BRANCH  
JAKARTA - INDONESIA

BY :

ARKIE AMZAR  
AK 076

HADI SUTARYO  
HS 117

----- MESSAGE TRAILER -----

{MAC: FD2985JH4}  
{CHK: SWB7264GTRO3}  
MAC = EQUIVALENT

----- INTERVENTIONS -----

CATEGORY : NETWORK REPORT  
CREATION TIME : 09/11/11 08:31:00  
APPLICATION : SWIFT INTERFACE  
OPERATOR : SYSTEM  
<CALL DURATION 00:25:10 SEQUENCE NUMBER 00104>  
<CLEAR>

TEXT : {1: F21BNINIDJAXXX42000009453}{4: {177:09111176354}{451:0}}

----- ACKNOWLEDGEMENT -----

171/DATE AND TIME : 09/11/11 02:56:00  
451/ ACCEPTANCE/ REJECTION : ACCEPTED  
END OF MESSAGE.



ATTACHMENT 3





UBS

SWITZERSCHE BANKGESELSCHAFT  
BULLION N.D.T CERTIFICATE DEPOSIT

COMMERCIAL INVEST BANK TRANSACTION  
UNION BANK OF SWITZERLAND

D.C/80982711809

C.C/7114809

INTERNATIONAL INVEST DEPOSIT INVEST  
N.T 2780982.C.A.8271

L.B - 9876 - C.B - 9278  
Commercial Deposit CFT PLATINUM - 278098  
Finance of Corporation Bank R.D.F 780971148.N.B.8718  
Finance of Invest Corporation I.D.C 32780987.C.A.8321

Comptroller of the Currency  
Statement Protective Bank No. H.S./80987/IMF.IFC  
Guarantee of Statement Profit Deposit  
No. 780987809

GUARANTEE BANK

ACCOUNT CFT OWNERSHIP No 62-098-987-718-989  
CONTROL CODE DEPOSIT  
A.0001.R.91.C.A.42  
DESPENSATION OF GUARANTEE  
CERTIFICATE

BULLION L.D.S -987-C.B-80987.R.S  
F.C.T 78411809-N.S-987  
L.S.B 987809874118  
F.C.D-987-R-980098

UBS/C-6271809-91-018  
COMMERCIAL INVEST TRANSACTION  
(CT/271809-CHD)

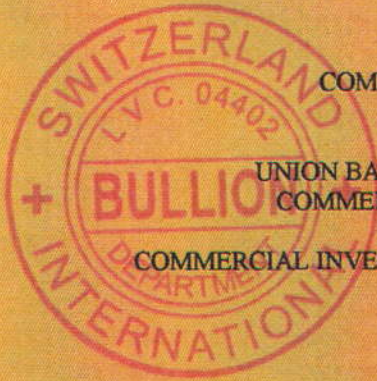
UNION BANK OF SWITZERLAND - R.C.678-C.A-87  
COMMERCIAL INVEST BANK / 41180-C.B-8009

COMMERCIAL INVEST LEGALIZED TRANSACTION - UNION DEPOSIT  
No. 60987009.C.A-82

I.M.F BANK INVEST  
SUISSE - DEPOSIT

ANALYS GOLD  
COMMERCIAL GUARANTEE

Commercial Invest Transaction  
Monetary Control Bank  
D.C - BASEL - 91



*Ente Bulli*

